

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In re )  
 )  
CONTEMPORARY MEDIA, INC. )  
 )  
Station WBOW(AM), Terre Haute, IN )  
Station WBFX(AM), Terre Haute, IN )  
Station WZZQ(FM), Terre Haute, IN )  
 )  
CONTEMPORARY BROADCASTING, INC. )  
 )  
Station KFMZ(FM), Columbia, MO )  
Station KAAM(FM), Huntsville, MO )  
 )  
LAKE BROADCASTING, INC. )  
 )  
Station KBMX(FM), Eldon, MO )  
Station KFYE(FM), Cuba, MO )  
(New) FM Station, Bourbon, MO )  
 )

MM Docket No. 95-154

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File No. BPH-921112MH

TO: Chief Administrative Law Judge  
Joseph Stirmer

**PETITION TO INTERVENE**

Pursuant to Section 1.223(b) of the Commission's Rules and Regulations, KWIX, Inc., by its attorney, hereby respectfully requests leave to intervene in the above-captioned proceeding. In support thereof, it is alleged:

1. By Order to Show Cause and Notice of Apparent Liability, released in the above proceeding on October 10, 1995, the Commission directed Contemporary Media, Inc., Contemporary Broadcasting, Inc., and Lake Broadcasting, Inc. (the

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"Respondents"), to show cause why the licenses and construction permits held by the Respondents should not be revoked. Inter alia, the hearing issues seek to determine whether the Respondents are qualified to be Commission licensees or permittees in light of the criminal conviction of Michael Rice, an individual who controls all of the Respondents and is presently serving a prison sentence for child sexual abuse.

2. Section 1.223(b) of the Commission's Rules and Regulations provides that a person desiring to participate as a party in any hearing may file a petition for leave to intervene. The petition must set forth the interest of the petitioner in the proceeding; must show how the petitioner's participation will assist the Commission in the determination of the issues in question; must set forth any proposed issues; and must be accompanied by an affidavit.

3. Attached hereto and marked Exhibit A is an affidavit of David L. Shepherd, addressing the foregoing requirements. As Mr. Shepherd shows, KWIX, Inc., has an interest in this proceeding, because one of the construction permits which is the subject of the proceeding is for an FM station, KAAM(FM) to be situated in Huntsville, Missouri. Huntsville, Missouri, is a very small town, situated approximately eight miles from Moberly, Missouri, where KWIX, Inc., owns and operates AM Broadcast Station KWIX and FM Broadcast Station KRES(FM). Because of the small size of Huntsville and its proximity to the Moberly market, Station KAAM(FM), if constructed and placed in to operation, will compete

directly with the stations owned by KWIX, Inc., in Moberly for audience, advertisers and revenues. Thus, KWIX, Inc., will suffer economic injury from the implementation of Station KAAM(FM), and KWIX, Inc., has the required standing to intervene in this proceeding. FCC v. Sanders Brothers Radio Station, 309 U.S. 470 (1940).

4. KWIX, Inc., participated in the proceeding which resulted in the issuance of this revocation order. Specifically, KWIX, Inc., provided information showing that Michael Rice had failed to fulfill a pledge made to the FCC that he would recuse himself from participation in the day-to-day management of the stations and construction permits which he controls, pending a resolution of the criminal charges pending against him.

5. As Mr. Shepherd shows, KWIX, Inc., has additional information concerning the participation by Mr. Rice in the day-to-day operation of the stations, even today, following his incarceration. If permitted to intervene, KWIX, Inc., will assist the Commission in compiling a full record. In fact, KWIX, Inc., will prove that Mr. Rice regularly communicates with station personnel from jail and makes major decisions affecting the stations, even while incarcerated.

6. For the foregoing reasons, KWIX, Inc., has made the showing required by Section 1.223(b) of the Commission's Rules to qualify as a party to this proceeding.

WHEREFORE, it is respectfully requested that the Administrative Law Judge issue an order, allowing KWIX, Inc., to

intervene as a party to this proceeding.

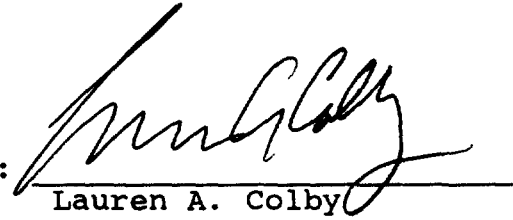
October 25, 1995

Law Office of  
LAUREN A. COLBY  
10 E. Fourth Street  
P.O. Box 113  
Frederick, MD 21705-0113

Respectfully submitted,

KWIX, INC.

By:

  
Lauren A. Colby  
Its Attorney

**EXHIBIT A**

STATE OF MISSOURI                    )  
                                          :  
COUNTY OF    RANDOLPH            )

**A F F I D A V I T**

David L. Shepherd, being duly sworn, deposes and states  
as follows:

1. I, David L. Shepherd, am a vice president of KWIX, Inc., a Missouri corporation, which owns and operates AM Broadcast Station KWIX and FM Broadcast Station KRES, both located in Moberly, Missouri. Moberly, which has a 1990 population of 12,839, is situated approximately eight miles from the small community of Huntsville, Missouri (population 1567). Contemporary Broadcasting, Inc., holds a construction permit for a new FM broadcast station, having the call letters KAAM-FM to be located at Huntsville. Because of the small size of Huntsville and its proximity to the Moberly market, Station KAAM-FM, if constructed and placed into operation, will compete directly with our stations in Moberly for audience, advertisers, and revenues. Thus, our company will suffer economic injury from the implementation of Station KAAM-FM, and we have standing to intervene in any proceeding involving the construction permit for that station.

2. I understand that on October 10, 1995, the FCC issued an Order, proposing to revoke the construction permit for Station KAAM-FM. That Order was predicated in part upon information which we brought to the attention of the Commission, showing that Michael Rice, a principal of Contemporary Broadcasting, Inc., had failed to fulfill a pledge made to the FCC that he would recuse himself from participation in the day-to-day management of the stations and construction permits which he controls, pending a resolution of the criminal charges pending against him.

3. KWIX, Inc., respectfully requests leave to intervene in the pending proceedings in FCC Docket 95-154, involving among other things the construction permit for Station KAAM-FM. If permitted to intervene, KWIX, Inc., will prove that even today, following his incarceration, Michael Rice continues to violate his pledge to remain recused from station operations. Furthermore, we offer to prove that Mr. Rice regularly communicates with station personnel from jail and makes major decisions affecting the stations, even while incarcerated.

4. For the above reasons, the participation of KWIX, Inc., as a party to the proceedings, will assist the Commission in compiling a full and complete record and rendering a decision which

serves the public interest.

Further deponent sayeth not.

DAVID L. SHEPHERD

By: 

Subscribed and sworn to before me  
this 24th day of October, 1995.

  
Notary Public

My Commission Expires: 3-15-97

**CERTIFICATE OF SERVICE**

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 25<sup>th</sup> day of October, 1995, to the offices of the following:

Honorable Joseph Stirmer  
Administrative Law Judge  
F.C.C.  
2000 L Street, N.W.  
Room 224  
Washington, D.C. 20554

Howard J. Braun, Esq.  
Diane L. Mooney, Esq.  
Rosenman & Colin  
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Washington, D.C. 20036

  
Traci Maust